

UNITED STATES OF AMERICA,) No. 10-CR-00681-CW
)
Plaintiff,)
)
v.) [PROPOSED] ORDER FOR
) EXAMINATION REGARDING
) DEFENDANT’S MENTAL
) COMPETENCY
ROYRICK DWAYNE MILLER,)
)
Defendant.)
)

Pursuant to 18 U.S.C. § 4241(a), plaintiff United States of America, by and through its counsel, the United States Attorney's Office for the Northern District of California, has requested that the Court issue an order pursuant to 18 U.S.C. § 4241(b) requiring that a psychiatric or psychological examination of the defendant be conducted, and that a report be filed with the court, pursuant to the provisions of section 4247 (b) and (c) prior any hearing on the defendant's

1 motion.

2 Based on defendant's submissions and on the government's motion, IT IS HEREBY
3 ORDERED that:

4 1. The defendant is hereby committed to the custody of the Attorney General for
5 placement in a suitable facility for the conduct of a psychological examination of the defendant
6 to determine whether there is reasonable cause to believe that the defendant may presently be
7 suffering from a mental disease or defect rendering him mentally incompetent to the extent that
8 he is unable to understand the nature and consequences of the proceedings against him or to
9 assist properly in his defense.

10 2. That the psychological examination of defendant be conducted by the Federal
11 Bureau of Prisons pursuant to 18 U.S.C. § 4241(b).

12 3. That the Federal Bureau of Prisons is to submit a report to the Court regarding the
13 results of the examination pursuant to 18 U.S.C. § 4241(c) and §4247(c) within 30 days from the
14 date that the defendant is received in custody at the Bureau of Prisons' facility to which he is
15 designated for the evaluation, but no later than April 15, 2011. The report shall include the
16 following information, which is required by 18 U.S.C. § 4247(c)(1-4):

17 (1) The defendant's history and present symptoms;

18 (2) A description of the psychiatric, psychological, and medical tests that were
19 employed, and their results;

20 (3) The examiner's findings; and

21 (4) The examiner's opinions as to diagnosis, prognosis, and whether the defendant "is
22 suffering from a mental disease or defect rendering him incompetent to the extent that he
23 is unable to understand the nature and consequences of the proceedings against him or to
24 assist properly in his defense." 18 U.S.C. § 4247(c)(4)(A).

25 In addition, the examiner is directed to determine whether the defendant has sufficient mental
26 capacity to waive his constitutional rights and to make a reasoned determination among the
27 questions put to him.

28 4. That pursuant to 18 U.S.C. § 4241(d), the Court will hold a hearing on June 1,

2011, at 2:00 p.m. to determine whether there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. the court finds that defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

A delay in court proceedings resulting from proceedings and examinations to determine a defendant's mental competency is a statutory exclusion under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A).

IT IS SO ORDERED

DATED: February 17, 2011


LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE

Stipulated to by:

/s/
SUZANNE B. MILES
Assistant United States Attorney

/s/
LINDA FULLERTON
Counsel for Defendant Miller